

City of Fairfield Planning Commission

RESOLUTION NO. 2020-11

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRFIELD
RECOMMENDING THAT THE CITY COUNCIL APPROVE ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF FAIRFIELD AMENDING VARIOUS SECTIONS OF
CHAPTER 25, ARTICLE I OF THE FAIRFIELD CITY CODE (ALSO KNOWN AS THE
ZONING ORDINANCE OF THE CITY OF FAIRFIELD) AND CHAPTER 25, ARTICLE
IX OF THE FAIRFIELD CITY CODE (ALSO KNOWN AS THE NOISE ORDINANCE
OF THE CITY OF FAIRFIELD) TO UPDATE AND CLARIFY THE REGULATIONS
GOVERNING OUTDOOR ELECTRICAL GENERATORS ON RESIDENTIAL
PROPERTIES**

THE PLANNING COMMISSION OF THE CITY OF FAIRFIELD HEREBY RECITES,
FINDS, DETERMINES, ORDERS, AND RESOLVES AS FOLLOWS:

Section 1. The Planning Commission has found that it is necessary to periodically review and provide recommendations on Chapter 25, Article I (the Fairfield Zoning Ordinance) and Article IX (the Noise Ordinance) to address issues pertaining to public health, safety, and welfare and City policy.

Section 2. The Planning Commission has held a duly noticed public hearing on June 9, 2020. City staff presented substantial factual information regarding the proposed Zoning and Noise Ordinance amendments in staff reports and through oral presentations before the Commission, and the Planning Commission considered all public testimony and information presented during the public hearing regarding this application.

Section 3. Based on the information presented by staff, the Planning Commission has determined that the proposed amendments to the text of the Zoning and Noise Ordinances are exempt from CEQA under CEQA Guidelines Section 15305, which categorically exempts Minor Alterations in Land Use Limitations; and pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the State CEQA Guidelines because this is a specific action necessary to prevent or mitigate an emergency.

Section 4. Based upon factual information, the Planning Commission hereby recommends the City Council adopt the Zoning and Noise Ordinance amendments, as attached hereto as Exhibit A.

Section 5. The record of proceedings shall be located at the City's Community Development Department and the Assistant City Manager (Community and Economic Development) shall be the custodian of such documents.

PASSED AND ADOPTED this 9th day of June, 2020.

AYES: COMMISSIONERS: Jesse BRANCH / Michael COAN (Chair) / Jerome CHILDS / Chris MATTHEWS / Perry PATTIZ / William WESLEY/ Chuck WOOD (Vice)

NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: CHILDS, WOOD



MICHAEL COAN, Chairperson

ATTEST:



DAVID FEINSTEIN, Secretary

**CITY OF FAIRFIELD
PLANNING COMMISSION
M I N U T E S**

Fairfield-Suisun Unified School District Board Roomn
2490 Hilborn Road

June 24, 2020
Regular Meeting
6:00 p.m.

I. ROLL CALL

Present: Chairperson COAN, Michael;
Commissioner BRANCH, Jesse
Commissioner MATTHEWS, Chris
Commissioner PATTIZ, Perry
Commissioner WESLEY, William

Absent: Vice-Chairperson WOOD, Chuck
Commissioner CHILDS, Jerome

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Branch

III. INFORMATION ON SPEAKER CARDS

IV. APPROVAL OF AGENDA

Commissioner Matthews made a motion to approve the agenda as proposed. The motion was seconded by Commissioner Branch. The motion was approved unanimously, with Vice-Chairperson Wood and Commissioner Childs absent.

V. APPROVAL OF MINUTES OF JANUARY 26, 2019

Commissioner Matthews made a motion to approve the minutes of April 22, 2020 as proposed. The motion was seconded by Commissioner Branch. The motion was approved unanimously, with Vice-Chairperson Wood and Commissioner Childs absent.

VI. PUBLIC COMMENTS

No persons spoke during Public Comments, and no comments were received via the planning@fairfield.ca.gov inbox.

VII. SCHEDULED MATTERS

ITEM A TREE PLANTING LIST UPDATE

RESOLUTION 2020-9

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRFIELD APPROVING AN UPDATE TO THE CITY OF FAIRFIELD TREE PLANTING LIST

Senior Planner Amy Kreimeier made a presentation on the item and answered questions. Associate Civil Engineer Alvin Lei also answered questions.

No persons spoke during the comment period, and no comments were received via the planning@fairfield.ca.gov inbox.

Commissioner Matthews made a motion to adopt Resolution 2020-9. The motion was seconded by Commissioner Branch. The motion was approved unanimously, with Vice-Chairperson Wood and Commissioner Childs absent.

ITEM B ONE LAKE FAMILY APARTMENTS

RESOLUTION 2020-10

A RESOLUTION OF THE FAIRFIELD PLANNING COMMISSION GRANTING DEVELOPMENT REVIEW (DR2020-001) TO CONSTRUCT A 190-UNIT MULTI-FAMILY APARTMENT COMPLEX ON 5.59-ACRES AT THE SOUTHWEST CORNER OF VILLAGE SQUARE BOULEVARD AND ONE LAKE DRIVE; NORTH OF VANDEN ROAD (APN: 166-420-170)

Senior Planner Meily Sheehan made a presentation on the item and answered questions.

The following person spoke during the public hearing:

- Steve Riter, 1536 Fallbrook Drive, Alamo, CA

No comments were received via the planning@fairfield.ca.gov inbox.

Commissioner Wesley made a motion to adopt Resolution 2020-10. The motion was seconded by Commissioner Branch. The motion was approved unanimously, with Vice-Chairperson Wood and Commissioner Childs absent.

ITEM C EMERGENCY GENERATOR ORDINANCE

RESOLUTION 2020-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRFIELD RECOMMENDING THAT THE CITY COUNCIL APPROVE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD AMENDING VARIOUS SECTIONS OF CHAPTER 25, ARTICLE I OF THE FAIRFIELD CITY CODE (ALSO KNOWN AS THE ZONING ORDINANCE OF THE CITY OF FAIRFIELD) AND CHAPTER 25, ARTICLE IX OF THE FAIRFIELD CITY CODE (ALSO KNOWN AS THE NOISE ORDINANCE OF THE CITY OF FAIRFIELD) TO UPDATE AND CLARIFY THE REGULATIONS GOVERNING OUTDOOR ELECTRICAL GENERATORS ON RESIDENTIAL PROPERTIES

Associate Planner Brian Miller made a presentation on the item and answered questions.

No persons spoke during the public hearing, and no comments were received via the planning@fairfield.ca.gov inbox.

Commissioner Branch made a motion to adopt Resolution 2020-10. The motion was seconded by Commissioner Pattiz. The motion was approved unanimously, with Vice-Chairperson Wood and Commissioner Childs absent.

ITEM D DISCUSSION OF HOUSE SIZES AND RELATED DEVELOPMENT STANDARDS

Planning Division Manager Dave Feinstein made a presentation on the item and answered questions.

Following discussion, the Commission unanimously directed staff to return with recommendations for amendments to the Zoning ordinance to facilitate "tiny home" subdivisions.

VIII. INFORMATION AND COMMUNICATIONS

ITEM A DIRECTOR'S REPORT AND COMMISSIONER'S COMMENTS

Planning Division Manager Dave Feinstein provided an update on two items: the upcoming Planning Commission agenda for July 8, 2020 and the filling of the expiring terms of Commissioners Branch and Pattiz at the July 7, 2020 City Council meeting. He noted that the next Commission agenda would include proposed zoning amendments to allow commercial cannabis activities and nominations for the new Chairperson and Vice Chairperson. He also noted that whomever is appointed to the two Planning Commission seats would attend the July 8, 2020 meeting.

IX. ADJOURNMENT TO NEXT MEETING OF JULY 8, 2020

Respectfully submitted,

DAVID FEINSTEIN
Planning Commission Secretary

STAFF REPORT

Meeting

Date: June 10, 2020

To: Chairperson and Members of the Planning Commission

From: Community Development Department

Subject: **ITEM C: 2020 EMERGENCY GENERATOR REGULATIONS UPDATE
(ZONING AND NOISE ORDINANCES)**

Resolution No. 2020-11

Ordinance Amendments (OA2020-04)

Location: Citywide

Applicant: City of Fairfield

Property Owners: N/A

Public Hearing on Request by the City of Fairfield for an Ordinance of the City Council of the City of Fairfield Amending Sections 25.30.6, 25.1402, and 25.1405 of the Fairfield City Code to add an exemption from Noise Regulations and Clarify Regulations for the Use of Generators During Emergencies and Power Outages (Planner Brian K. Miller, 707-428-7446, bkmillier@fairfield.ca.gov)

BACKGROUND

During the 2019 fire season, Pacific Gas and Electric Company initiated a series of temporary power shutoffs to customers in areas potentially subject to fire from downed power lines. These outages varied in time frame and are covered, but during the worst events, much of the Bay Area was without power for several days.

Losing power is more than inconvenience for some citizens dependent on powered medical equipment to address chronic illnesses and conditions. As a result, contractors have been submitting an increased number of permit applications for new emergency generators.

Many of these applicants have proposed placing generators in side yards. The generators on the market today do not meet the current Fairfield Noise Ordinance, which is 67 decibels at property line. According to the standards published by the generator manufacturers, most home use equipment generates 68 dB CNEL at 21 feet. While options remain for noise-deadening enclosures that reduce noise for neighbors, these enclosures add costs and can be difficult to place in side yards while meeting setback standards.

The purpose of this Ordinance amendment is to clarify the City's regulations and allow generators in appropriate locations for use during emergency public power shutoffs.

DISCUSSION

The proposed Ordinance exempts emergency generators from the Noise Ordinance standards as long as the generator is located ten feet from property lines and does not exceed 70dB at 21 feet. This Ordinance will generally push the installation of generators into rear yards, as many side yards are less than ten feet deep in the City of Fairfield. In staff's review of product specifications submitted by contractors, the most common generators on the market will meet these standards. The Ordinance also permits periodic testing during normal "construction" hours, again with the goal of reducing noise impacts.

CORRESPONDENCE

Notice of the proposed Ordinance revisions was published in the newspaper, as required by state law.

ENVIRONMENTAL REVIEW

Staff has determined that the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the State CEQA Guidelines because this is a specific action necessary to prevent or mitigate an emergency.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2020-11, which recommends the City Council approve the Ordinance Amendments.

Attachments:

1. Planning Commission Resolution No. 2020-11, with attached:
 - Exhibit A - Draft City Council Ordinance